

FILED

JUN 03 2008

PATRICK E. DUFFY, CLERK

By _____
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FARREN GALPIN,) CV 07-82-M-DWM
)
Petitioner,)
)
vs.) ORDER
)
MIKE MAHONEY, Attorney General)
of the State of Montana,)
)
Respondent.)
)

Petitioner, Farren Galpin, filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation on April 9, 2008, recommending that Galpin's Petition be dismissed on the merits. After receiving an extension of time, Galpin filed objections to the Findings and Recommendation on May 20, 2008. He therefore is entitled to de novo review of the record. 28 U.S.C. § 636(b)(1).

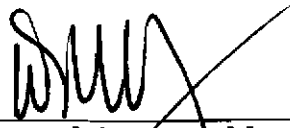
Galpin's objections are addressed to the Montana Twenty-First Judicial District Court in Ravalli County, they are unsigned, and they raise claims not set forth in Galpin's

Petition. Galpin's Petition was filed on June 21, 2007, almost one year ago. Therefore, the amendments to the Petition are untimely.

Even if the Court were to consider the substance of Galpin's objections, the new ineffective assistance of counsel claims he raises are without merit. Galpin has not shown his counsel's performance fell below an objective standard of reasonableness or that the absence of any deficient performance would have altered the result of the proceedings. See Strickland v. Washington, 466 U.S. 668 (1984).

Accordingly, IT IS HEREBY ORDERED that Judge Lynch's Findings and Recommendation are adopted in full. Galpin's Petition is DISMISSED WITH PREJUDICE. A certificate of appealability is DENIED.

Dated this 2nd day of June, 2008.



Donald W. Molloy, District Judge
United States District Court

